

UNITED STATES BANKRUPTCY COURT - *within region* U.S. TRUSTEE - PANEL  
FOR DISTRICT OF DELAWARE

**FILED**  
(28 USC 586 and 589)  
2007 DEC 27 PM 2:55

In re: TWA, INC. POST CONFIRMATION ESTATE  
Debtors.

U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

<u>Payment of certain "disability, disability insurance</u>	)	
<u>claimed benefits under ERISA by PBGC plan, to retiree)</u>	)	
<b>Herbert McMillian,</b>	)	Chapter 11
(Last four SS:#8692)	)	Case No. 01-56(PJW)
<u>Employee / Appellant</u>	)	(Jointly Administered)
vs.	)	
<b>Trans World Airlines, Inc. et al.,</b>	)	
(NYS Tax Id#526976)	)	
<u>Employer / Appellees</u>	)	<b>JURY PROMPTLY DEMANDED</b>
	)	(under Bankr.P.R.9015(a).)
<b>Hartford Insurance Group, Inc.</b>	)	(by Fed. R. Civ. P.38(b).)
(Case No.302FC24899 and Worker's Compensation	)	
No.07954183 ) and	)	
<u>Underwriter</u>	)	
<u>Reinsurance</u>	)	

**MOTION and NOTICE by APPELLANT, STATEMENT of ELECTION**

- 1). **Appeal as of Right;** as to *prejudicial, abuse, Order(s) entered by question* Hon. Peter J. Walsh, Judge in the office of clerk of the above Court, in this action on 13 day of December 2007, of DOCKET item 5909 and 5910 of *falsify* confirmation of plan at *issues*.
- 2). Appellant elect to *Amend* this APPEAL in the above Case No.01-56 (PJW) to be heard by BANKRUPTCY APPELLATE PANEL FOR THE THIRD CIRCUIT of the 28 U.S.C. ~ 158(c)(1) and Bankr.P. 8001(a)(1) and 8002 and 8005 and referral to U.S. Attorney General to transmit to the U.S.Trustee Panel, pursuant to 28 USC-586 and 589(a)(b).
- 3). To bring into focus a Right of Jury Trial, according, when both legal and equitable claims and issues of Liability, elements of Damage, an amount owed in the **Amend Proof of Claim -uncontested-** presented in civil action for jury resolution, of appellant ERISA by the full PBGC plan ,by obligor TWA, Inc. -non- contract retirement policy plan package.

By: Herbert McMillian, Dated: December 26, 2007  
Herbert McMillian, Pro Se for Appellant at 179-17 Anderson Road  
St. Albans, N.Y. 11434 Tele-(718) 723-4693

Filing and Service, by Bankr. P.8002; 8006; 8008 (-attached- Certificate of Service.)

To: Pachulski, Stang, Ziehl, & Jones LLP	-and- *TWA Inc. Post Confirmation Estate
James E. O'Neill, Esq. (Bar No.40442)	Jill M. Farmer, General Counsel
919 North Market Street	P.O. Box 12247
Wilmington, DE 19899-8705	Kansas City, MO 64152

\*Its list of Recipient, and Counsel of Record for Appellees ( by Rule 2002 and 4001).

**CERTIFICATE OF SERVICE**

I, the undersigned, Herbert McMillian, pro Se for the Appellant, certify that I, served or cause to be filed on the 26 day of December 2007 a copy of the foregoing relevant document's:

**Motion and Notice by Appellant Statement of Election**

upon the following *identified* parties in interest the manner indicated: as required by Fed. R. Civ. P. 5(b)(1);

**Method of Service:**[check mark] ☒ **U.S. Mail or** ☐ **Fax or** ☐ **Personal or Other:**

**Appellees -and- Its Respective Counsel of Record**

Pachulski, Stang, Ziehl, & Jones LLP -and- TWA, Inc. Post Confirmation Estate	Jill M. Farmer, General Counsel
James E. O'Neill, Esq.	P.O. Box 12247
919 North Market Street	Kansas City, MO 64152
Wilmington, DE 19899-8705	
Its Recipient list,	

**Judge's -and- Trustee**

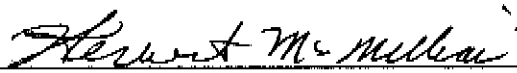
Hon: Peter J. Walsh, Appointed Judge -and- Hon: Mary M. Walrath, Chief Judge	United States Bankruptcy Court / DE
United States Bankruptcy Court / DE	United States Bankruptcy Court / DE
824 Market Street	824 Market Street
Wilmington, DE 19899	Wilmington, DE 1989

Hon: Sue L. Robinson, Chief Judge -and- Mark S. Kenney, Esq.	United States District Court / DE
United States District Court / DE	United States Trustee Office / DE
844 King Street	824 King Street
Wilmington, DE 19801	Wilmington, DE 19801

**-and-**

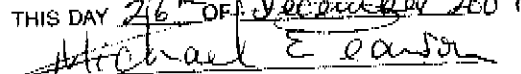
**[ x ] Personal Service:** served and filed original document on day 27 of December 2007 upon the;  
David D. Bird, Chief Clerk  
United States Bankruptcy Court / DE  
824 Market Street  
Wilmington DE 19899

**Dated:** Execution, December 26, 2007

  
Herbert McMillian,  
Pro Se for Appellant  
179-17 Anderson Road  
St. Albans, NY 11434  
(718) 723-4693

**Declaration of;**

[Pursuant to 28 USC-1746]

STATE OF New York  
COUNTY OF Queens  
SUBSCRIBED AND SWORN TO BEFORE ME  
THIS DAY 26 OF December 2007  
  
NOTARY PUBLIC

**MICHAEL E. PEARSON**  
Notary Public, State of New York  
No. 01PE6134402  
Qualified in Queens County  
Commission Expires October 3rd, 2009



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U.S. POSTAGE  
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JAMAICA, NY  
11413  
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**\$1.05**  
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TWA INC Post Confirmation Estate  
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Kansas City MO 64152

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Wilmington, DE 19899

PS Form 3817, January 2001

7007 0220 0001 5628 1029

WILMINGTON DE 19899

\$0.00

\$2.15

\$2.15

\$4.30

0213

06

12/26/2007

James C. Allen, Esq.

Richardson, Strong, Zickel &amp; Jones, LLP

919 North Market St

Wilmington, DE 19899-5700

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

**APPEAL TRANSMITTAL SHEET**

Case Number: \_\_\_\_\_ ☐ BK ☐ AP  
If AP, related BK Case Number: \_\_\_\_\_

Title of Order Appealed:

\_\_\_\_\_

Docket Number: \_\_\_\_\_ Date Entered: \_\_\_\_\_

Item Transmitted: ☐ Notice of Appeal ☐ Motion for Leave to Appeal  
☐ Amended Notice of Appeal ☐ Cross Appeal  
Docket Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_

\*Appellant/Cross Appellant:

\*Appellee/Cross Appellee

Counsel for Appellant:

Counsel for Appellee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*If additional room is needed, please attach a separate sheet.*

Filing Fee paid? ☐ Yes ☐ No

IFP Motion Filed by Appellant? ☐ Yes ☐ No

Have Additional Appeals to the Same Order been Filed? ☐ Yes ☐ No

If so, has District Court assigned a Civil Action Number? ☐ Yes ☐ No Civil Action # \_\_\_\_\_

Additional Notes:

\_\_\_\_\_

\_\_\_\_\_

Date

By: \_\_\_\_\_  
Deputy Clerk

Bankruptcy Court Appeal (BAP) Number: \_\_\_\_\_  
7/6/06

FOR USE BY U.S. BANKRUPTCY COURT

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
TWA INC. POST CONFIRMATION ESTATE,	)	Case No. 01-00056 (PJW)
	)	
	)	Related Docket No. <u>5898</u>
Debtor.	)	

**ORDER EXTENDING THE TERM OF THE ESTATE**

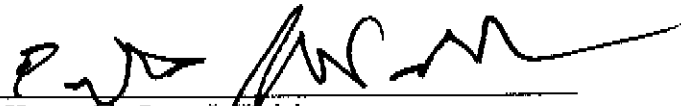
Upon consideration of the TWA Inc. Post Confirmation Estate's (the "Estate") Second Motion to Extend the Term of the Estate (the "Motion") filed by the Estate seeking entry of an order extending the term of the Estate, it is hereby

ORDERED that the Motion is approved; and it is further

ORDERED that the term of the Estate is extended for a one-year period, expiring on June 24, 2009; and it is further

ORDERED that this Order is without prejudice to the right of the Estate to request further extensions of the term of the Estate.

Dated: Dec 12, 2007

  
\_\_\_\_\_  
The Honorable Peter J. Walsh  
United States Bankruptcy Judge

IN THE UNITED STATE BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In Re:	)	
	)	Chapter 11
TWA INC. POST CONFIRMATION ESTATE,	)	
	)	Case No 01-0056 (PJW)
Debtor.	)	Related Docket Nos. 5843 & 5858

**ORDER GRANTING RELIEF SOUGHT IN TWA INC.  
POST CONFIRMATION ESTATE'S FORTY-FIFTH  
SUBSTANTIVE OMNIBUS OBJECTION TO CLAIMS**

Upon consideration of the *TWA Inc. Post Confirmation Estate's Forty-Fifth Omnibus Objection to Claims [Docket No. 5843]* (the "Omnibus Objection")<sup>1</sup> filed by the above-captioned TWA Inc. Post Confirmation Estate (the "Estate"), seeking entry of an order granting relief with respect to certain Claims; no previous request for such relief having been made; due and proper notice of the Omnibus Objection having been given; the Court having entered an Order on June 14, 2007 (Docket No. 5858) granting part of the relief requested and continuing the objection with respect to Claim No. 863800 filed by Orbital No. 1 Ltd., Orbital No. 2 Ltd. (the "Remaining Claim"), and no opposition to the relief sought in the Omnibus Objection having been filed with respect to the Remaining Claim, it is hereby

ORDERED that the Omnibus Objection is granted as uncontested; and it is further

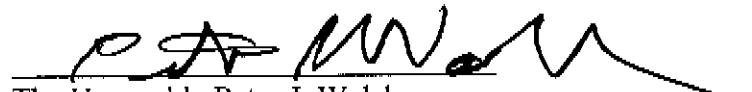
ORDERED that (i) Claim No. 863800 filed by Orbital No. 1 Ltd., Orbital No. 2 Ltd is expunged; and it is further

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<sup>1</sup> Capitalized terms not defined herein shall have such meanings as defined in the Omnibus Objection.

ORDERED that the Estate is hereby authorized to amend the claims register for this case to reflect the relief granted in this Order.

Dated: Dec 13, 2007

  
The Honorable Peter J. Walsh  
United States Bankruptcy Judge

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